

BOISE, FRIDAY, JUNE 8, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

TAPADEERA, LLC, and CARY HAMILTON, dba)	
C&J CONSTRUCTION,)	
)	
Plaintiffs-Respondents-Cross-Appellants,)	
)	
v.)	
)	
JAY F. and THERESA KNOWLTON,)	Docket No. 38498
)	
Defendants-Appellants-Cross-Respondent.)	
_____)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. Jonathan Brody, District Judge.

Kent D. Jensen, Burley, for Appellants.

Jeff Stoker, Twin Falls, for Respondents.

Jay and Theresa Knowlton appeal an order granting summary judgment and awarding damages for Tapadeera, LLC and Cary Hamilton on a settlement agreement reached by the parties. The Knowltons contracted to purchase real property from Hamilton in 2003. However, when the Knowltons discovered the property had been illegally subdivided, they stopped payment on their check to Hamilton.

In 2009, the parties reached a settlement agreement, providing that Hamilton, with the Knowltons' cooperation, would apply to have the property legally subdivided. Once the subdivision process was completed, the Knowltons were to pay Hamilton the \$23,421 owed on the property or it would be foreclosed.

Because of an error made by the County, the Knowltons were not notified about the Planning and Zoning meeting held to discuss Hamilton's subdivision application. After Planning and Zoning recommended the approval of the subdivision plat, the Knowltons sent a letter to the County withdrawing the application because they objected to their lack of notice and the location of road and irrigation easements on the property.

The district court granted Hamilton's summary judgment motion on the settlement agreement, finding that the Knowltons' behavior had prevented Hamilton from fulfilling a condition precedent and was thus a breach of the agreement.

BOISE, FRIDAY, JUNE 8, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**STATE OF IDAHO, IDAHO
TRANSPORTATION BOARD,**

Plaintiff-Respondent,

v.

**HI BOISE, LLC, a Delaware limited liability
company,**

Defendant-Appellant,

and

**MORTGATE ELECTRONIC
REGISTRATION SYSTEMS, INC. a
Delaware corporation,**

Defendant.

Docket No. 38344

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Ronald J. Wilper, District Judge.

Greener Burke Shoemaker, P.A., Boise, for appellant.

Holland & Hart, LLP, Boise, for respondent.

This appeal arises from a condemnation action brought by the State of Idaho, Idaho Transportation Board (ITD) against HI Boise, LLC to acquire a strip of land as part of a project to improve the I-84/Vista Avenue Interchange in Boise. ITD offered HI Boise the condemned property's appraised value of \$38,177, but HI Boise filed a counterclaim for inverse condemnation, claiming damages of \$7.5 million.

In addition to taking the strip of land, ITD reconstructed HI Boise's main driveway from Vista Avenue, moving the approach to the driveway several feet and increasing its grade. ITD also constructed a sound wall adjacent to the property. Based on these and other aspects of the project, HI Boise claimed that ITD condemned rights of access to its property and obstructed visibility to passing motorists.

The district court dismissed several of HI Boise's claims on summary judgment. HI Boise now appeals to the Idaho Supreme Court, arguing that it has compensable property rights in continued traffic flow to its Vista driveway and continued visibility to passing motorists.

BOISE, FRIDAY, JUNE 8, 2012 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**SECURITY FINANCIAL FUND, LLC, an)
Idaho limited liability corporation,)**

**Plaintiff-Counterdefendant-)
Respondent,)**

and)

Docket No. 37203

**SECURITY FINANCIAL SERVICES, INC.)
an Idaho corporation; STRONG PAW)
FINANCIAL SERVICES, LLC; STRONG)
PAW FINANCIAL SERVICES, INC. an)
Idaho corporation, NORTHWEST)
TRUSTEE SERVICES, INC., an Idaho)
corporation,)**

Counterdefendants,)

v.)

**BYRON T. THOMASON and MARILYNN)
THOMASON, husband and wife,)**

**Defendants-Counterplaintiffs-)
Appellants.)**

Appeal from the District Court of the Seventh Judicial District, State of
Idaho, Madison County. Hon. Brent Moss, District Judge.

Marilynn Thomason, Rexburg, *pro se*.

Merrill & Merrill, Pocatello, for Respondents.

Security Financial extended Byron Thomason and Marilynn Thomason, husband and wife, a series of loans that were secured by deeds of trusts and mortgages in real property. As a result of the Thomasons' non-payment on the notes, Security Financial filed a Foreclosure Complaint. In that case, the district court held that the Thomasons defaulted on the notes. While that action was still pending, the Thomasons filed a separate action against Security Financial

and others, which sought recovery for breach of contract and fraud, among other theories. Both actions were later consolidated. The issue of default on the notes has already been decided by the district court, and the secured real property has already been foreclosed on and sold at sheriff auction in accordance with the district court's Judgment. On appeal from the district court's decision to grant Security Financial's Motion for Summary Judgment with regard to the Thomasons' claims brought in the separate action, the Thomasons contend, among other things, that the district court lacks subject matter and personal jurisdiction and abused its discretion.